



Security Council

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UNITED NATIONS
COMPENSATION COMMISSION
GOVERNING COUNCIL

Decision Concerning the Return of Undistributed Funds taken by the
Governing Council of the United Nations Compensation Commission at its
75th meeting, held on 2 February 1998 at Geneva

The Governing Council,

Bearing in mind that, in accordance with its Decision 18 [S/AC.26/Dec.18 (1994)], Governments should distribute funds to claimants within six months of receiving payment from the Compensation Commission and provide information on the amounts distributed not later than three months after the expiration of the time limit for the distribution of each payment received from the Compensation Commission;

Noting that a number of Governments have not been able to locate claimants in order to distribute funds within this time limit and have indicated that they would need additional time to distribute the funds;

Wishing to allow a reasonable additional period of time during which such claimants can receive payment on a priority basis after they have been located;

Decides the following:

(a) Twelve months after a Government has received each payment for distribution, any undistributed funds shall be returned to the secretariat of the Compensation Commission with a list of the claimants who have not received payments and the amount of payment due to each claimant who has not been paid,

(b) The secretariat of the Commission will, from the date the return of payment is due, hold the returned payments in reserve for a further twelve months during which time payment will be made to the claimants, through their Government, as soon as the Government notifies the secretariat that they have been located and that payment can be made,

(c) After the twelve-month period, referred to in paragraph (b) above, any undistributed funds will not be held in reserve for payment to those claimants who have not been located for payment. However, payments shall be made to such claimants, as soon as they have been located, through their Governments from any balances in the Compensation Fund that are not needed for the Commission's administrative budget or operating reserve or for scheduled payments of claims awards approved by the Governing Council.



S/AC.26/ Dec.49 (1998)

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COMPENSATION COMMISSION
GOVERNING COUNCIL

MAY 17 1998

Decision Concerning Part Two of the First Instalment of Individual Claims for Damages above US\$100,000 (Category "D" Claims) taken by the Governing Council of the United Nations Compensation Commission at its 77th meeting, held on 11 March 1998 at Geneva

The Governing Council,

Having received, in accordance with article 38 of the Provisional Rules for Claims Procedure, the report of the Panel of Commissioners appointed to review individual claims for damages above US\$100,000 (category "D" claims), covering one individual claim,^{1/}

1. Approves the recommendations made by the Panel of Commissioners, and, accordingly,
2. Decides, pursuant to article 40 of the Rules, to approve the amount of the recommended award of US\$19,694,518.81 concerning the claim submitted by the Government of Kuwait covered in the report,
3. Reaffirms that when funds become available payments shall be made in accordance with Decision 17 [S/AC.26/Dec.17 (1994)],
4. Recalls that when payments are made in accordance with Decision 17 [S/AC.26/Dec.17 (1994)] and pursuant to the terms of Decision 18 [S/AC.26/Dec.18 (1994)], the claimant's Government shall distribute amounts received in respect of the approved award within six months of receiving payment, and shall, not later than three months after the expiration of this time limit, provide information on such distribution,
5. Requests the Executive Secretary to provide a copy of the report to the Secretary-General, the Government of Kuwait and the Government of the Republic of Iraq.

^{1/} The text of the report is attached hereto (document S/AC.26/1998/3).
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